

Attorney Docket No. 7175-73311

Application No. 10/643,045 (Filed August 18, 2003)

Reply to Office Action dated December 21, 2004

REMARKS

Claim 18 is amended. New claim 42 is added. Claims 18, 19, 21-27, 29-32, and 42 are pending in this application.

Applicant acknowledges the examiner's indication that claims 24-27 and 29-32 are allowed.

The specification is objected to under 37 CFR 1.75(d)(1) as failing to provide proper antecedent basis for the claimed subject matter. The Examiner objects to the language added at the end of claim 18 - namely "the washing station being usable by the patient in both the first and second positions, and the washing station having a drain line not discharging into the toilet in both the first and second positions." The applicant respectfully disagrees with the Examiner. As clearly shown in Fig. 4, the hot and cold water lines 32 and 34 and the drain line 36, being flexible, remain connected during movement of the washing station 16 between the first and second positions. As shown in Figs. 1 and 3, the washing station 16 is accessible to the patient 12 in both the first and second positions. Therefore, in both the first and second positions, the patient 12 can use the hot and cold water controls 28 and 30 of the washing station 16 to turn on the hot and cold water. Also, as shown in Fig. 4 and described at page 5 lines 11 et seq., the drain line 36 of the washing station 16 is routed through the interior region 88 of the housing 66 and then through the inner sleeve 70 of the floor-mounted pivot coupling 75. The drain line 36 of the washing station 16 is then coupled to the hospital plumbing 90 which is routed through the floor 15. The drain line 36, being flexible, remains connected during the movement of the washing station 16 between the first and second positions. The drain line 36 of the washing station 16 clearly does not discharge into the toilet 20 in both the first and second positions.

Claims 18, 19 and 21-23 are rejected under 35 U.S.C. 112, 1st paragraph, as containing subject matter not described in the specification. In claim 18, the Examiner objects to the language "the washing station being usable in both the first and second positions." For the reasons given above, the applicant respectfully disagrees with the Examiner. However, the offending language is removed from claim 18 to overcome the 35 U.S.C. 112, 1st paragraph, rejection, and also to broaden claim 18. Withdrawal of the 35 U.S.C. 112, 1st paragraph, rejection of claims 18, 19 and 21-23 is, therefore, requested.

Reconsideration of the rejection of claims 18, 19, and 21-23 under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 877,196 to Hubert ("Hubert") is requested. It is

believed that amended independent claim 18, and dependent claims 19 and 21-23, are not anticipated by Hubert at least for the reasons given below.

Regarding claim 18, Hubert does not disclose or suggest in any way, shape or form "the washing station having a drain line not discharging into the toilet in both the first and second positions." The examiner contends that "[t]he drain line does not discharge into the toilet in at least one of the positions." The Examiner, however, concedes that the drain line 31 of Hubert's wash bowl 27 discharges into the toilet 26 when the wash bowl 27 is moved forwardly to a toilet-covering position. (See Hubert's page 2, lines 4 et seq.) Accordingly, at least for these reasons, applicants respectfully submit that amended independent claim 18, and dependent claims 19 and 21-23, are not anticipated by Hubert, and hence withdrawal of the 35 U.S.C. 102(b) rejection thereof is respectfully requested.

New claim 42 is allowable over Hubert because Hubert does not disclose or suggest in any way, shape or form "the washing station having a drain line that is coupled to the washing station and is flexible to accommodate the movement of the washing station as it moves with the first portion between the first and second positions." The support for this limitation can be found, for example, on page 5, lines 11 et seq.

In view of the foregoing amendment and supporting remarks, the subject application is now deemed to be in condition for allowance, and such action is respectfully requested. If the Examiner believes that a telephonic interview would expedite the allowance of this application, he is requested to contact the undersigned for a prompt resolution of any outstanding issues.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages and other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435, with reference to file 7175-73311.

Respectfully submitted,
BARNES & THORNBURG



Dilip A. Kulkarni
Reg. No. 27,510

Indianapolis, Indiana
Tel: 317-231-7419
Fax: 317-231-7433
Email: dilip.kulkarni@btlaw.com